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Security Council

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GENERAL

S/1999/100
30 January 1999

ORIGINAL: ENGLISH

NOTE BY THE PRESIDENT OF THE SECURITY COUNCIL

1. In accordance with the Security Council's primary responsibility, under the United Nations Charter, for the maintenance of international peace and security, and emphasizing the importance of comprehensive compliance with all relevant resolutions, the Security Council continues to discuss options which would lead to the full implementation of all relevant Security Council resolutions regarding Iraq. While pursuing these discussions, the Security Council has decided that it would be useful to establish three separate panels and to receive recommendations from them no later than 15 April 1999.

2. The Security Council invites the current President of the Council, Ambassador Celso Amorim of Brazil, to chair each of the panels. In an effort to maintain continuity, his chairmanship would run beyond his current tenure as President of the Security Council in order to complete this work.

3. The Chairman would maintain close liaison with the Secretary-General and the Security Council President on the composition and work of the panels. The Chairman, in consultation with panel participants and members of the Security Council, would adopt appropriate working methods and plans of work. The Chairman could invite a variety of views and experts, including those from United Nations agencies in the field, to participate in the work of the panels and could authorize such travel, to obtain information concerning the situation on the ground in Iraq, as he deems appropriate in order to provide the Council with the best possible advice.

4. The first panel, on disarmament and current and future ongoing monitoring and verification issues, would involve the participation and expertise from the United Nations Special Commission, the International Atomic Energy Agency, the United Nations Secretariat, and any other relevant expertise. The panel would assess all the existing and relevant information available, including data from ongoing monitoring and verification, relating to the state of disarmament in Iraq. The panel would make recommendations to the Security Council on how, taking into account relevant Security Council resolutions, to re-establish an effective disarmament/ongoing monitoring and verification regime in Iraq.

5. The second panel, on humanitarian issues, would involve the participation and expertise from the Office of the Iraq Programme, the Secretariat of the Committee established by Security Council resolution 661 (1990), and the United

Nations Secretariat. This panel would assess the current humanitarian situation in Iraq and make recommendations to the Security Council regarding measures to improve the humanitarian situation in Iraq.

6. The third panel, on prisoners of war and Kuwaiti property, including archives, would involve the participation and expertise from the United Nations Secretariat and any other relevant expertise. The panel would make an assessment, in consultation with relevant experts, of Iraqi compliance relating to prisoners of war, Kuwaiti property, including archives, as stipulated by Security Council resolutions. The panel would make recommendations to the Security Council with regard to these matters.

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Security Council

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S/1999/101
30 January 1999
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 30 JANUARY 1999 FROM THE CHARGE D'AFFAIRES A.I. OF THE PERMANENT MISSION OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour, on instructions from my Government, to transmit to you herewith a letter dated 29 January 1999 from Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of Iraq, concerning the United States-United Kingdom military attack on residential areas and villages in the Governorate of Basra.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Saeed H. HASAN
Ambassador
Chargé d'affaires a.i.

99-02389 (E) 300199 300199

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Annex

Letter dated 29 January 1999 from the Minister for Foreign Affairs of Iraq addressed to the President of the Security Council

Further to my earlier letters to you, the most recent of which was dated 15 January 1999, I regret to inform you that in the morning of 25 January 1999, the United States and the United Kingdom launched a military attack in which United States and United Kingdom aircraft proceeding from Saudi Arabia and Kuwait conducted raids on the Governorate of Basra, in southern Iraq, using bombs and missiles, including long-range missiles. The attack involved many regions, affecting residential areas in the town of Basra itself and villages on its outskirts. This act of aggression resulted in many casualties, including a large number of women, children and elderly people, and destroyed a considerable amount of housing and property.

This criminal military attack on peaceful regions, which follows constant military attacks by the United States and the United Kingdom on long-suffering Iraq, is indicative of an established policy of those two States designed to achieve their political objectives, their goal being to violate the sovereignty, independence and territorial integrity of Iraq.

This policy of aggression declared by the leadership of the two States concerned constitutes, according to the most basic standards for international conduct, a flagrant violation of the principles of the United Nations Charter and recognized rules of international law, all of which state that the threat or use of force against the territorial integrity and political independence of any State is prohibited. The two aggressor States justified their act of aggression by claiming to uphold no-flight zone procedures.

The Iraqi Government strongly rejects the "no-flight zones", which have been imposed by the United States and the United Kingdom for no reason and without any legitimate legal basis, and rejects everything connected with that unlawful decision, including the pretexts and futile justifications used by States trying to justify their military aggression against our country. In that connection, we refer to the letter from our Permanent Representative dated 14 January 1999.

You are well aware of the responsibilities assigned by the United Nations Charter to the Organization, particularly the Security Council, with respect to the maintenance of international peace and security. We therefore draw your attention to the fact that this brutal military attack constitutes a flagrant and unquestionable breach of international peace and security, within the meaning of Article 39 of the Charter. This fact cannot be ignored or tolerated by the Security Council or the Secretary-General, particularly as the aggressor States are permanent members of the Council, to which the Charter has entrusted special responsibility with respect to the maintenance of international peace and security; their flagrant breach of international peace and security is thus one of the causes of the collapse of the collective security system laid down in the Charter and leaves the Organization with no credibility as a result of the

use of aggression and the distress of a great number of States and peoples in the world, including Iraq and its embattled people.

While drawing your attention to this situation, which has been exacerbated by the United States-United Kingdom act of aggression against Iraq, with the participation of Saudi Arabia and Kuwait, we wish to inform you that the Iraqi Government reserves the right, under international law, to defend itself and protect the sovereignty and security of Iraq and to demand compensation from the States concerned, in accordance with the rules of international liability, for all the human, material and moral injury which has resulted, and may result in the future, from these attacks.

(Signed) Mohammed Said AL-SAHAF
Minister for Foreign Affairs of Iraq

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Security Council

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GENERAL

S/1999/102
1 February 1999

ORIGINAL: ENGLISH

LETTER DATED 29 JANUARY 1999 FROM THE CHARGÉ D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF ETHIOPIA TO THE UNITED NATIONS
ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you my Government's view in connection with Security Council resolution 1226 (1999), adopted on 29 January 1999, on the crisis between Ethiopia and Eritrea.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Fesseha A. TESSEMA
Chargé d'affaires a.i.

99-02482 (E) 010299

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Annex

View of the Government of Ethiopia on Security Council resolution 1226 (1999)

Any country whose territory is violated and whose sovereignty is challenged has the right to defend itself. But in the face of Eritrean aggression my Government did not answer force with force. To the contrary, we have sought to seek a solution to the crisis through peaceful means in the hope that justice and international law will prevail.

It is in this spirit that Ethiopia accepted in full proposals for a peaceful resolution to the crisis since day one. Not because all these proposals have been fully to our liking in all respects, but for the simple reason that we recognized that the proposals on the table were fair and balanced - and notably did not reward aggression.

Our acceptance of the Organization of African Unity (OAU) proposals for a framework agreement was based on our conviction that the proposals represented the best possibility to address the fundamental issues at stake in the crisis in a just manner. The OAU proposals, now on the table and awaiting implementation, do not leave open the possibility for misinterpretation and misrepresentation. They are clear, and their implementation is being urgently awaited by Ethiopia and the international community. In this regard, it should be reiterated that the only remaining business left with regard to the OAU peace proposal is its speedy implementation as called for on 17 December 1998 by the OAU summit meeting of the Central Organ for Conflict Prevention, Management and Resolution, held in Ouagadougou. Ethiopia is pleased that this is acknowledged by the Security Council in its resolution 1226 (1999), adopted on 29 January 1999, thus leaving no possibility for prevarication and misrepresentation by Eritrea.

While the past nine months have not been lacking in ideas and proposals to resolve the conflict, what has been consistently absent is the lack of readiness by the Eritrean authorities to accept the proposals put in front of them. The stubborn rejection of any formula that refused to ignore Eritrea's aggression and occupation of Ethiopian territory has been the singular cause for the absolute lack of progress in resolving the crisis. The Eritrean authorities reject proposals outright when it suits them, and on other occasions resort to prevarication and filibustering in the futile search for ways to torpedo peace efforts. A favourite tactic has been to pick and choose elements in a peace package and ignore features that they do not favour, in the process nullifying the whole effort and destroying the chances for peace step by step.

Even now with the OAU proposals for a framework agreement before them, the Eritrean authorities have chosen to prevaricate and to drag out the process with the objective of rendering the best efforts of OAU ineffective. That was the whole rationale behind the Eritreans' request for clarification from OAU on a proposal for peace which they knew left no room for equivocation and that was endorsed unanimously by the summit of the Central Organ after amendments submitted by Eritrea were rejected outright.

We are encouraged by the fact that OAU has brought forth a proposal with no loopholes left to exploit. While Eritrea did attempt, once again, to stall the process by seeking so-called "clarifications" on a very clear document, OAU took up the challenge and provided its response. There is no fig leaf left for Eritrea for creating confusion. Now the game is up. What is expected of Eritrea is to accept and implement the proposals and desist from being a hindrance to peace and stability in the subregion.

We are again pleased that the Security Council for its part has adopted a resolution which leaves no room for misunderstanding and which provides the necessary and appropriate support to the effort being made by OAU. We recognize that the resolution is clear and unequivocal in its language. Not only does it not reward aggression, but also by making it clear that what is now awaited is Eritrea's acceptance of the OAU peace proposals with a view to ensuring their implementation, it sends the right message to Eritrea that the international community stands fully behind the OAU effort and the implementation of the peace proposal. The OAU peace proposal is a framework agreement awaiting implementation - a task which cannot at the moment be carried out because of Eritrea's intransigence. In other words, the OAU peace proposals are not meant to provide a basis for further negotiation, but rather a basis for resolving the crisis created by Eritrean aggression. We are pleased that the resolution leaves no room for misinterpretation in this regard.

It is in the light of all these factors that Ethiopia views this resolution by the Security Council positively and as a step in the right direction for strengthening the hand of OAU so that the Organization can proceed to the implementation of the peace proposal - a peace proposal which is anchored in the conviction that aggression should be reversed and violations of international law should not be rewarded.

UNITED NATIONS **S**

Security Council

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1 February 1999
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 31 JANUARY 1999 FROM THE CHARGE D'AFFAIRES A.I.
OF THE PERMANENT MISSION OF IRAQ TO THE UNITED NATIONS
ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 30 January 1999 from Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of Iraq. The Minister calls attention to the fact that on 13 January 1999 an aide to the United States Assistant Secretary of State for Near Eastern Affairs entered northern Iraq through Turkish territory at the head of a delegation from the United States and British intelligence agencies and accompanied by a number of officials from the Turkish Ministry of Foreign Affairs in gross violation of Iraq's sovereignty, of the norms of international law and of the provisions of the domestic laws of States that prohibit entry into their territory without the approval of the national authorities.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Saeed H. HASAN
Ambassador
Chargé d'affaires a.i.

99-02500 (E) 020299 020299

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Annex

Letter dated 10 January 1999 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General

I have to inform you that the United States and British Administrations are still persisting in their acts of aggression against the sovereignty, territorial integrity, security and independence of Iraq. This is exemplified by the fact that, on 13 January 1999, a certain Elizabeth Jones, an aide to the United States Assistant Secretary of State for Near Eastern Affairs, entered northern Iraq through Turkish territory at the head of a delegation from the United States and British intelligence agencies and accompanied by a number of officials from the Turkish Ministry of Foreign Affairs.

The fact that this United States Government official and all the officials who were with her - Americans, British and Turks - entered the territory of Iraq without the approval of the official Iraqi authorities constitutes an egregious violation of Iraq's sovereignty. It is in breach of all the relevant norms of international law and of the domestic laws by which States prohibit entry into their territory without the approval of the national authorities. Such laws grant States the right to subject those who enter their territory without their approval to prosecution under their legal system to the full extent of the law, regardless of the rationale for their unlawful entry.

The Government of Iraq strongly condemns these illegal and unlawful acts that are being committed by senior officials of the United States, the United Kingdom and Turkey, and it regards them as fully in keeping with the constant and frenzied attacks perpetrated by these States against Iraq.

The Government of Iraq has previously drawn your attention and that of the Security Council to the serious character of such illegal practices, given that they may set a dangerous precedent in international relations that must be firmly resisted.

The Government of Iraq, condemning in the strongest terms these official actions by the United States, the United Kingdom and Turkey as irresponsible and illegal, requests you to intervene directly with the Governments of these States and to urge them to desist from their persistent interference in the internal affairs of Iraq and to honour the Charter of the United Nations, which affirms respect for the sovereignty, political independence and territorial integrity of Member States.

I request you to have this letter circulated as a document of the Security Council.

(Signed) Mohammed Said AL-SAHAF
Minister for Foreign Affairs
of the Republic of Iraq

UNITED NATIONS **S**

Security Council

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GENERAL

S/1999/104
2 February 1999

ORIGINAL: ENGLISH

LETTER DATED 2 FEBRUARY 1999 FROM THE PERMANENT REPRESENTATIVE OF ETHIOPIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you a press release issued today by the Ministry of Foreign Affairs of the Federal Democratic Republic of Ethiopia in connection with Security Council resolution 1226 (1999), adopted on 29 January 1999, regarding the conflict between Ethiopia and Eritrea.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Duri MOHAMMED
Ambassador
Permanent Representative

Annex

Press release regarding the conflict between Ethiopia and Eritrea issued by the Ministry of Foreign Affairs of Ethiopia on 2 February 1999

The United Nations Security Council on Friday 29 January 1999 adopted Resolution 1226 (1999) regarding the conflict between Ethiopia and Eritrea.

The Government of Ethiopia is encouraged by this latest position taken by the Security Council which left no ambiguity with regard to what is expected from whom. Eritrea has been asked by the Security Council to withdraw from occupied Ethiopian territory and this is one of the central messages conveyed by the resolution. In giving its strong support to the OAU Framework Agreement by calling it "the best hope for peace" and by calling for its "full implementation without delay," the Security Council has left no room for prevarication and spin doctoring by Eritrea.

It is known by all that countries whose borders have been violated and whose sovereignty is challenged have the right to defend themselves. But in the face of Eritrean aggression, Ethiopia did not answer force with force. To the contrary we have sought to seek a solution to the crisis through peaceful means in the hope that justice and international law will prevail.

It is in this spirit that Ethiopia accepted in full proposals for a peaceful resolution to the crisis since Day One. Not because we didn't have problems with the proposals, but for the simple reason that we recognized that the proposals on the table were fair and balanced -- and notably did not reward aggression.

Our acceptance of the OAU Proposals for a Framework Agreement was based on our conviction that, whatever their shortcomings, the proposals represented the best possibility to address the fundamental issues at stake in the dispute in a just manner. The OAU Proposals do not leave open the possibility for misinterpretation and misrepresentation. They are clear and their implementation is being urgently awaited by Ethiopia and the international community. Resolution 1226(1999) is very significant in this regard because its support for the OAU effort leaves no doubt and it is also clear about what the unfinished business consists in ---- The implementation of the OAU peace proposal. Period. But what can be seen from Eritrea's reaction to the resolution is that its authorities are still far from being prepared to listen to reason.

All indications point to Eritrea continuing with its intransigence and with its policy of provocation and of the imposition of unwanted war on Ethiopia. Eritrea appears to have decided to stay put after having occupied Ethiopian territory, no matter what the international community says unless what the international community says is backed by action which puts Eritrea under real and tangible pressure.

In the meantime, we urge the international community to follow closely what Eritrea might be up to because if its past behaviour is something to go by, the Eritrean authorities are most likely to intensify their provocation of Ethiopia, all the more now because they no longer can create confusion and mislead the international community and there is no room for further prevarication. As far as peace proposals are concerned, the game is up for Eritrea. Is Eritrea prepared to implement the OAU Framework Agreement? This is the question Eritrea needs to answer. Eritrea might continue to blame third parties to divert attention. Amnesty International might give Eritrea a hand in this ---- as others are helping the aggressor in other more lethal areas ---- as it did with regard to its last pronouncement which, wittingly or unwittingly, coincided with Security Council discussion leading to the adoption of Resolution 1226. But there is no more fig leaf for Eritrea, including a so called clarification from the OAU. That is sealed and delivered. The ball is again firmly in the Eritrean Court.

February 2,1999

UNITED NATIONS **S**

Security Council

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S/1999/105
2 February 1999

ORIGINAL: ENGLISH

LETTER DATED 1 FEBRUARY 1999 FROM THE PERMANENT REPRESENTATIVE OF ISRAEL TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

The Wye River Memorandum was conceived as a means of reviving the Israeli-Palestinian peace process by explicitly linking Israel's implementation of its commitments with the Palestinian Authority's fulfilment of its own obligations, particularly in the area of security. This linkage had become ever more critical as hundreds of Israelis were killed in escalating bombing attacks since 1994 that emanated from areas under the control of the Palestinian Authority.

Indeed, United States Secretary of State Madeleine Albright reaffirmed that reciprocity would be the guiding principle for the implementation of the Wye Memorandum time line: she wrote on 23 October 1998 to Prime Minister Benjamin Netanyahu that "actions in each stage of the time line are to be completed by both sides before moving on to the next stage" (emphasis added). Palestine Liberation Organization (PLO) Chairman Yasser Arafat himself accepted that reciprocity would govern the Oslo process, when he agreed to the Note for the Record, at the signing of the Hebron Protocol on 15 January 1997.

But what has happened since the Wye River Memorandum was signed? Israel implemented its end of the Wye bargain by fulfilling its responsibilities according to the first two stages of the time line, as well as other additional Israeli undertakings set forth in the agreement. Israel made tangible concessions of land; it completed protocols over a new Palestinian airport and industrial park. Unfortunately, with the exception of the modification of the PLO Charter and the enactment of a partial anti-incitement law, the PLO has not fulfilled any of its obligations that appear in the Wye River Memorandum. Compliance of Israel and the Palestinians with Wye is summarized below:

COMPLIANCE WITH WYE OBLIGATIONS

Palestinian obligations	Israeli obligations
• The Palestinian Authority issued a decree prohibiting incitement on 19 November 1998 (specific reference to terrorism, as required by Wye, lacking). Nonetheless, incitement to violence by high-level Palestinian officials and government-controlled media continues.	• Israel implemented first stage of further redeployment (total of 491.4 square kilometres transferred).
• PLO Charter modified on 14 December 1998.	• Israel completed protocol on Gaza Airport, which was opened on 24 November 1998.
• The Palestinian Authority fails to engage in "full bilateral security cooperation".	• Israel opened Karni Industrial Estate in Gaza on 14 December 1998, planned to provide 20,000 jobs.
• The Palestinian Authority fails to comply with Security Work Plan.	• Israel ready to complete opening of Southern Route of Safe Passage (Palestinians shifted emphasis to Northern Route).
• The Palestinian Authority fails to transfer list of Palestinian policemen, required in order to define, limit and therefore reduce the Palestinian security forces to 30,000 in accordance with the Interim Agreement.	• Israel has conducted eight rounds of negotiations on Gaza port.
• The Palestinian Authority fails to enact law outlawing terrorist organizations or military wings and their support structure.	• Israel has designated a team for the People-to-People Committee. The Palestinian Authority refuses to convene the Committee.
• The Palestinian Authority fails to convene the Trilateral Committee to deal with unauthorized weapons (mines, mortars, grenade launchers) and explosive materials in Palestinian areas. The Palestinian Authority fails to establish modalities for granting weapons licences, although a decree against illegal weapons has been issued.	• Israel has requested convening the Legal Committee. The Palestinian Authority has not responded to Israeli request to convene.

- The Palestinian Authority fails to refrain from taking unilateral steps which change the final status of the West Bank and Gaza Strip, as agreed in Wye: the Palestinian leadership repeatedly states its intention to unilaterally declare an independent state in May 1999.

- Israel has convened the Joint Economic Committee (Israel agreed to a Palestinian request for refund of purchase tax on Israeli products). Today, 105,000 Palestinians work in Israel on a daily basis.

The failure of Palestinian compliance with the Wye Memorandum is not just a question of diplomatic debate. The Wye Memorandum specifically states that the Palestinians will develop a work plan "to ensure the systematic and effective combat of terrorist organizations and their infrastructure" (article II.A.1, para. b). Yet since Wye, the Palestinian Authority has failed to outlaw the Palestinian organizations that sent waves of suicide bombers against Israeli cities, from 1994 through 1998. In fact, Palestinian Authority negotiator Nabil Shaath now claims: "There are no provisions for dismembering Hamas or the Islamic resistance or their offices or any of the things Israel considered the infrastructure of terrorism" (The Jerusalem Times 18 December 1998).

These failures seriously elevate the security threat to Israel. For example, at the time of the signing of the Wye Memorandum, Israel received assurances from the Palestinians that procedures had been put into place to prevent unwarranted releases of individuals suspected of abetting or perpetrating acts of violence or terror. Yet in the last two months, in direct violation of procedures to which the parties agreed at Wye, PLO Chairman Yasser Arafat released 60 individuals involved in terrorist organizations. These included two senior Hamas terrorists, Jihad Suwiti and Arafat Kawasmeh, both of whom worked for Hassan Salameh, the mastermind of the February-March 1996 suicide bombings that killed scores of civilians. Also released was Hassan Alimani, another senior Hamas operative, who served under the Awadallah brothers, the perpetrators of the 30 July 1997 bombing in Jerusalem.

Moreover, despite the enactment of the anti-incitement law on 19 November 1998, Palestinian Authority television still attempts to mobilize children for armed conflict. For example, on 11 January 1999, Palestinian Authority television broadcast a four-year-old girl chanting in Arabic: "My rights - I shall take them. I shall take them with a machine gun and a knife." Abu Ala, the speaker of the Palestinian Legislative Council, told a rally of Palestinians on 1 December 1998: "The leadership that threw stones is ready to return and use stones to free the people and the land" (The New York Times, 3 December 1998). The next day a Palestinian lynch mob attacked an Israeli vehicle near Ramallah, nearly killing its passengers with stones.

What should Israel do? Israel could ignore these repeated Palestinian violations and just turn over more land. But this would only accelerate and deepen Palestinian non-compliance. Under such circumstances, terrorism would inevitably escalate, leading to a complete breakdown of the Oslo peace process. Alternatively, Israel could decide that Palestinian violations, amounting to a

fundamental breach of the Oslo and Wye agreements, call for Israel to withdraw from its own obligations entirely. But this is not Israel's decision.

Israel cannot ignore Palestinian non-compliance any more that it will reject signed peace agreements. The only choice for Israel is to say yes to peace, but to insist on peace with reciprocity - which are the agreed terms of reference of the Oslo process since 1997: that is, Israel will go forward if the Palestinians implement their obligations as well.

Right now, however, the PLO is declaredly not interested in implementing its Wye commitments or in pursuing the negotiating process. Less than a month after signing the Wye Memorandum, PLO Chairman Yasser Arafat stated on 14 November 1998, at a rally in Nablus: "We will declare our independent state on May 4, 1999 with Jerusalem as its capital, yes Jerusalem the eternal capital of our state, whether they like it or not."

Yet Mr. Arafat knows full well that in the Oslo II Interim Agreement, which he signed on 28 September 1995 along with the late Prime Minister Yitzhak Rabin, it is stated: "Neither side shall initiate or take any step that will change the status of the West Bank and the Gaza Strip pending the outcome of the permanent status negotiations" (article XXXI, para. 7, emphasis added). This commitment was repeated at Wye (article V). Clearly, a unilateral declaration of a Palestinian state constitutes a total violation of this undertaking.

The international community is witnessing a series of reversals of many agreements and treaties in regional conflicts that once held out great promise. In the Israeli-Palestinian case, no one can substitute for either party to make the peace process work. Yet there are two basic axioms of international conduct that, if applied in every major dispute, would seriously improve the chances of peace. First, there is no substitute for a negotiated settlement. Unilateralist proposals for settling the Arab-Israeli conflict, using diplomatic means outside the negotiating process, are completely inconsistent with the Oslo process and with written assurances that Mr. Arafat provided to Prime Minister Rabin in September 1993. Equally, the international community should reject attempts to get the United Nations General Assembly to decide issues that belong at the negotiating table.

A second basic axiom of international conduct that must be encouraged if contemporary conflicts are to be resolved is that there has to be compliance with agreements. It is often convenient to ignore violations, in order to keep forward momentum in a peace process sustained. But eventually the violations accumulate and undermine the very basis of an agreement - particularly when security issues are involved and the potential loss of innocent lives is at stake.

Despite the difficulties, Oslo and Wye can go forward. Both Prime Minister Benjamin Netanyahu and Foreign Minister Ariel Sharon have reiterated that Israel is ready to proceed if the Palestinians implement their commitments. But this requires that the international community vote for a real negotiating process and not unilateralism. It also requires supporting compliance with peace agreements and not excusing or whitewashing fundamental violations. This is

what separates diplomacy that builds peace and security from diplomacy that leads to collapse and eventual anarchy.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Ambassador Dore GOLD
Permanent Representative

UNITED NATIONS **S**

Security Council

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S/1999/106
2 February 1999
ENGLISH
ORIGINAL: FRENCH

LETTER DATED 1 FEBRUARY 1999 FROM THE PERMANENT REPRESENTATIVE OF BURUNDI TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF SECURITY COUNCIL

I have the honour to transmit to you herewith the text of the statement by His Excellency Mr. Pierre Buyoya, President of the Republic of Burundi, on 23 January 1999, following the summit of Heads of State of the region which decided to lift the economic sanctions imposed on Burundi since 31 July 1996.

I should be grateful if you would have the text of this letter and its annex circulated as a document of the Security Council.

(Signed) Gamaliel NDARUZANIYE
Ambassador
Permanent Representative

Annex

Statement by His Excellency Mr. Pierre Buyoya, President of the Republic of Burundi, on 23 January 1999, on his return from Arusha following the regional summit on Burundi which lifted the sanctions imposed by the region since 31 July 1996

At the close of the summit on Burundi which has just taken place in Arusha, the Heads of State and Government who, on 31 July 1996, decided to impose economic sanctions on our country have now decided to lift them.

We rejoice at this decision and we invite the people of Burundi to welcome this happy event and to rejoice.

Since 31 July 1996, the people of Burundi have endured many difficulties and many hardships due to a lack of understanding of its choices. This difficult situation resulted in many sacrifices on every level, but the people of Burundi accepted them with great dignity, great courage and a profound sense of responsibility.

I take this opportunity to congratulate them very sincerely and invite them to bear in mind that a nation's destiny is a function of the efforts that its sons and daughters put into it.

I invite the people of Burundi to remain always proud and upright, to build a peaceful and prosperous nation, to work hard so that production in all sectors of national life may expand greatly so as to meet all basic needs.

As for us, our course remains unchanged. We reaffirm our commitment to ensure security for all, to pursue the peace process on both fronts, internal and external, to promote human rights and development and to rehabilitate the victims of the war.

I ask all Burundians to consider that peace is a treasure to be safeguarded, and that nothing in the world can justify genocide, massacres or exile when the door to dialogue is open.

We are and we remain convinced that genuine peace and prosperity will be the work of the Burundians themselves; no one has a right to escape that task, at the risk of betraying his compatriots.

We thank the friends of Burundi, the countries of the subregion and the international community as a whole, for their contribution to the positive development which has culminated today in the ending of our country's political and economic isolation so that the environment may, at last, be conducive to our peace programme.

We hope that all our partners will remain by our side on this path and that they will support our efforts to revive the economy and to rebuild the nation. We hope that they will do more, for peacemaking also requires improving the living conditions of the people who are the beneficiaries of that peace.

We have just entered a new phase. The people of Burundi must know this; they must know that no more time must be lost in so senseless and futile a conflict and that the time has come for political realism and collective responsibility so that Burundi may become a land of milk and honey, where each citizen has the capacity to realize his or her potential in complete freedom and justice.

UNITED NATIONS **S**

Security Council

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GENERAL

S/1999/107
2 February 1999

ORIGINAL: ENGLISH

LETTER DATED 1 FEBRUARY 1999 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit, enclosed herewith, the letter of H.E. Mr. Zivadin Jovanovic, Federal Minister for Foreign Affairs of the Federal Republic of Yugoslavia, requesting that an emergency meeting of the Security Council be convened in order to prevent aggression against the Federal Republic of Yugoslavia following the decision of the North Atlantic Council to empower its Secretary-General to authorize air strikes by the North Atlantic Treaty Organization against my country (see annex). Enclosed also are the letter from Mr. Javier Solana, Secretary-General of the North Atlantic Treaty Organization to H.E. Mr. Slobodan Milosevic, President of the Federal Republic of Yugoslavia (see enclosure) and the statement of the North Atlantic Council on Kosovo (see appendix).

I would appreciate it if you would have this letter and its enclosures circulated as a document of the Security Council.

(Signed) Vladislav JOVANOVIC
Chargé d'affaires a.i.

Annex

Letter dated 1 February 1999 from the Minister for Foreign Affairs of the Federal Republic of Yugoslavia addressed to the President of the Security Council

I am writing to you regarding the letter that the Secretary-General of the North Atlantic Treaty Organization (NATO) addressed to the highest authorities in the Federal Republic of Yugoslavia on 30 January 1999, and regarding the statement by the North Atlantic Council on the province of Kosovo and Metohija, attached thereto.

The decision by NATO, as a regional agency, to have its Secretary-General authorize air strikes against targets on territory of the Federal Republic of Yugoslavia, as well as the positions contained in the letter that this was a "final warning", represent an open and clear threat of aggression against the Federal Republic of Yugoslavia as a sovereign an independent State Member of the United Nations.

Article 53, paragraph 1, of the Charter of the United Nations stipulates that "... no enforcement action shall be taken under regional arrangements or by regional agencies without the authorization of the Security Council ...". In this specific case, the Security Council has not authorized NATO to take enforcement action against the Federal Republic of Yugoslavia. Therefore, NATO's threat directly undermines the sovereignty and territorial integrity of the Federal Republic of Yugoslavia and flagrantly violates the principles enshrined in the Charter of the United Nations, particularly Article 2, paragraph 4, thereof, and it undercuts the very foundations of the international legal order.

In view of the above, I call on you to inform all Council members of this letter and to convene an emergency session of the Council in order to take appropriate measures available under the Charter to prevent aggression against my country.

I take this opportunity to emphasize once again that the Federal Republic of Yugoslavia pursues an open policy of peace, good-neighbourly and equal cooperation with all countries and organizations accepting such cooperation; it does not threaten anyone, nor is there any threat from its territory against any side. Consistently following the policy of peaceful settlement of all outstanding issues, the Federal Republic of Yugoslavia is a factor of peace and stability in the region. It is determined to protect its legitimate State and national interests, primarily its sovereignty and territorial integrity in accordance with the principles embodied in the Charter of the United Nations, the Helsinki Final Act and the Paris Charter.

(Signed) Zivadin JOVANOVIC

Enclosure

Letter dated 30 January 1999 from the Secretary-General of the North Atlantic Treaty Organization addressed to the President of the Federal Republic of Yugoslavia

Further to my letter of 28 January 1999, I am writing to underscore NATO's profound concern with the situation in Kosovo and our determination to ensure that the demands of the international community concerning this crisis are met. To this end, the North Atlantic Council has this evening authorized me to send you a final warning, a text of which is attached.

I urge you to heed this warning and to take immediate steps to fulfil your obligations to the international community, including those established by the United Nations Security Council, the Organization for Security and Cooperation in Europe, the European Union, the North Atlantic Treaty Organization and the Contact Group.

I have sent a similar message to Dr. Rugova.

(Signed) Javier SOLANA

Appendix

1. The North Atlantic Treaty Organization (NATO) reaffirms the demands set out in its statement of 28 January 1999. It stands ready to act and rules out no option to ensure full respect by both sides in Kosovo for the requirements of the international community, and observance of all relevant Security Council resolutions, in particular the provisions of resolutions 1160 (1998) of 31 March 1998, 1199 (1998) of 23 September 1998 and 1203 (1998) of 24 October 1998.

2. NATO gives full support to the Contact Group strategy of negotiations on an interim political settlement which are to be completed within the specified time-frame. It welcomes the Presidential Statement of the United Nations Security Council of 29 January 1999.

3. NATO recalls that those responsible for the massacre at Racak must be brought to justice and that the authorities of the Federal Republic of Yugoslavia must cooperate fully with the International Tribunal for the Former Yugoslavia. They must also cooperate fully with the OSCE Kosovo Verification Mission and ensure the security of its personnel.

4. The crisis in Kosovo remains a threat to peace and security in the region. NATO's strategy is to halt the violence and support the completion of negotiations on an interim political settlement for Kosovo, thus averting a humanitarian catastrophe. Steps to this end must include acceptance by both parties of the summons to begin negotiations at Rambouillet by 8 February 1999 and the completion of the negotiations on an interim political settlement within the specified time-frame; full and immediate observance by both parties of the ceasefire and by the authorities of the Federal Republic of Yugoslavia of their commitments to NATO, including by bringing Vojska Jugoslavie (Yugoslav Forces) and Police/Special Police force levels, force posture and activities into strict compliance with the NATO/Federal Republic of Yugoslavia agreement of 25 October 1998; and the ending of excessive and disproportionate use of force in accordance with these commitments.

5. If these steps are not taken, NATO is ready to take whatever measures are necessary in the light of both parties' compliance with international commitments and requirements, including in particular assessment by the Contact Group of the response to its demands, to avert a humanitarian catastrophe, by compelling compliance with the demands of the international community and the achievement of a political settlement. The Council has therefore agreed today that the NATO Secretary-General may authorize air strikes against targets on territory of the Federal Republic of Yugoslavia. The Secretary-General of NATO will take full account of the position and actions of the Kosovar leadership and all Kosovar armed elements in and around Kosovo in reaching his decision on military action. NATO will take all appropriate measures in case of a failure by the Kosovar Albanian side to comply with the demands of the international community.

6. NATO is also studying how to support measures to curb arms smuggling into Kosovo.

7. NATO's decisions today contribute to creating the conditions for a rapid and successful negotiation on an interim political settlement which provides for an enhanced status for Kosovo, preserves the territorial integrity of the Federal Republic of Yugoslavia and protects the rights of all ethnic groups. NATO is resolved to persevere until the violence in Kosovo has ended, and a political solution has been reached.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1999/107*
3 February 1999

ORIGINAL: ENGLISH

LETTER DATED 1 FEBRUARY 1999 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit, enclosed herewith, the letter of H.E. Mr. Zivadin Jovanovic, Federal Minister for Foreign Affairs of the Federal Republic of Yugoslavia, requesting that an emergency meeting of the Security Council be convened in order to prevent aggression against the Federal Republic of Yugoslavia following the decision of the North Atlantic Council to empower its Secretary-General to authorize air strikes by the North Atlantic Treaty Organization against my country (see annex). Enclosed also are the letter from Mr. Javier Solana, Secretary-General of the North Atlantic Treaty Organization to H.E. Mr. Slobodan Milosevic, President of the Federal Republic of Yugoslavia (see enclosure) and the statement of the North Atlantic Council on Kosovo (see appendix).

I would appreciate it if you would have this letter and its enclosures circulated as a document of the Security Council.

(Signed) Vladislav JOVANOVIC
Chargé d'affaires a.i.

* Reissued for technical reasons.

Annex

Letter dated 1 February 1999 from the Minister for Foreign Affairs of Yugoslavia addressed to the President of the Security Council

I am writing to you regarding the letter that the Secretary-General of the North Atlantic Treaty Organization (NATO) addressed to the highest authorities in the Federal Republic of Yugoslavia on 30 January 1999, and regarding the statement by the North Atlantic Council on the province of Kosovo and Metohija, attached thereto.

The decision by NATO, as a regional agency, to have its Secretary-General authorize air strikes against targets on territory of the Federal Republic of Yugoslavia, as well as the positions contained in the letter that this was a "final warning", represent an open and clear threat of aggression against the Federal Republic of Yugoslavia as a sovereign an independent State Member of the United Nations.

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In view of the above, I call on you to inform all Council members of this letter and to convene an emergency session of the Council in order to take appropriate measures available under the Charter to prevent aggression against my country.

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(Signed) Zivadin JOVANOVIC

Enclosure

Letter dated 30 January 1999 from the Secretary-General of the North Atlantic Treaty Organization addressed to the President of Yugoslavia

Further to my letter of 28 January 1999, I am writing to underscore NATO's profound concern with the situation in Kosovo and our determination to ensure that the demands of the international community concerning this crisis are met. To this end, the North Atlantic Council has this evening authorized me to send you a final warning, a text of which is attached.

I urge you to heed this warning and to take immediate steps to fulfil your obligations to the international community, including those established by the United Nations Security Council, the Organization for Security and Cooperation in Europe, the European Union, the North Atlantic Treaty Organization and the Contact Group.

I have sent a similar message to Dr. Rugova.

(Signed) Javier SOLANA

Appendix

1. The North Atlantic Treaty Organization (NATO) reaffirms the demands set out in its statement of 28 January 1999. It stands ready to act and rules out no option to ensure full respect by both sides in Kosovo for the requirements of the international community, and observance of all relevant Security Council resolutions, in particular the provisions of resolutions 1160 (1998) of 31 March 1998, 1199 (1998) of 23 September 1998 and 1203 (1998) of 24 October 1998.

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UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1999/108
2 February 1999

ORIGINAL: ENGLISH

LETTER DATED 2 FEBRUARY 1999 FROM THE PERMANENT REPRESENTATIVE OF THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to forward herewith a letter dated 29 January 1999 addressed to you by Mr. Aleksandar Dimitrov, Minister of Foreign Affairs of the Republic of Macedonia, concerning the United Nations Preventive Deployment Force.

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the Security Council.

(Signed) Naste CALOVSKI
Ambassador
Permanent Representative

Annex

Letter dated 29 January 1999 from the Minister for Foreign Affairs of the Former Yugoslav Republic of Macedonia addressed to the Secretary-General

Allow me to present my compliments and to acquaint you with the arguments of the Government of the Republic of Macedonia for the extension of the stay of UNPREDEP for another six months, after 28 February 1999, under the same mandate and with the same composition and structure.

Functioning as a factor of deterrence in the period thus far, UNPREDEP has greatly contributed towards the stabilization of the situation in the whole region, which has directly affected the attainment of larger level of security in my country. However, as you have underlined in one of your previous reports, the peace and stability of both the Republic of Macedonia and the other countries still depend on the regional developments. By this I primarily refer to the danger of spillover of the military conflicts from Federal Republic of Yugoslavia (Kosovo) into the neighboring countries. Let me recall that in 1992 the UN preventive forces were deployed in the Republic of Macedonia exactly for the purpose of preventing the spillover of armed conflicts from the neighborhood. In the meanwhile the situation in our neighborhood unfortunately has not improved. On the contrary it has by far deteriorated. In this regard, the following facts should be taken into consideration:

Unfortunately, Kosovo continues to be an active crisis area, without any indications of calming down. For quite some time, direct military conflicts in Kosovo have been going on which could easily spillover into the whole region and cause its further destabilization. Your last report of 24 December 1998 is yet another confirmation of the deteriorating situation in Kosovo. The non-compliance with the Holbrooke-Milosevic agreement suggests that with the forthcoming spring more open and more intensive conflicts may be expected. At the same time it could be envisaged that each of the two parties will attempt to gain a final victory at the battle field. The Government of the Republic of Macedonia deeply appreciates and welcomes the efforts of the international community aimed at finding a political solution to the crisis, as well as the deployment of the OSCE Kosovo Verification Mission. In this regard, the Republic of Macedonia fully contributes towards the crisis' resolution, which is manifested by stationing of NATO Extraction Forces on its territory. Also I would like to emphasize the principled position of the Republic of Macedonia that the Kosovo crisis be resolved , in a peaceful manner and through a political dialogue, respecting the territorial integrity and sovereignty of the Federal Republic of Yugoslavia, by full observance of the human rights of all people, by wider autonomy for Kosovo, and with more intensive engagement of the international community.

Furthermore, the Kosovo crisis has led to an increase in the tensions at the Albanian-Yugoslav border. The conflicts have already claimed the lives of many victims and have greatly increased the sense of insecurity and distrust in the region. It is a fact that the situation in Albania is still not stable, what reflects on the border situation with the neighboring countries. This greatly burdens the efforts of the Macedonian authorities aimed at preventing arms trafficking for Kosovo, an obligation stipulated in the UN Security Council resolution 1160, of 31 March 1998, in which the Council called upon all countries to prevent the sale or supply of arms and related matériel of all types to the Federal Republic of Yugoslavia. In addition the UN Security Council resolution 1186, of 21 July 1998, extended the mandate of UNPREDEP with the monitoring of arms embargo against FRY, imposed by the aforementioned resolution.

Finally, despite all the efforts on our part, the Macedonian-Yugoslav border is not demarcated yet, which in the context of the present developments in Kosovo, and in view of the fact that part of the border extends in the direction of Kosovo, additionally complicates the political and security situation in our country.

In accordance with the provisions of UN Security Council resolution 1186 (1998), the military component of UNPREDEP has recently been completed from 750 to 1050 troops, which enables it to adequately fulfill the tasks within its mandate. I would like to welcome the appointment of the new Head of Mission, Mr. Fernando Valenzuela Marzo, with whom the Macedonian authorities have already established excellent cooperation. At the same I would like to express my gratitude to the former Special Representative of the Secretary-General and Head of Mission, Mr. Henryk Sokalski, for his successful work.

I believe that the UN Security Council member states this time too shall appropriately assess the security situation in the region and shall adopt a resolution for extension of the stay of UNPREDEP for another six months, under the same mandate and with the same composition and structure, which we are especially interested in. The Government of the Republic of Macedonia considers the cooperation with UNPREDEP thus far to be very successful. This is a result in particular of the Mission's mandate and composition itself. I am convinced that in the future the cooperation will continue in the same direction.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1999/109
3 February 1999

ORIGINAL: ENGLISH

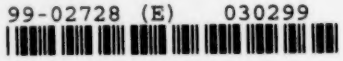
IDENTICAL LETTERS DATED 3 FEBRUARY 1999 FROM THE PERMANENT REPRESENTATIVE OF AFGHANISTAN TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL AND TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith the text of the statement of the Ministry of Foreign Affairs of the Islamic State of Afghanistan, dated 29 January 1999.

I should be grateful if you would have the text of the present letter and its annex circulated as a document of the Security Council.

(Signed) A. G. Ravan FARHÂDI
Ambassador
Permanent Representative

99-02728 (E) 030299



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Annex

Statement of the Ministry of Foreign Affairs, dated 29 January 1999, on the cruel, inhuman and degrading treatment of captives held in the Taliban Detention Centres in Afghanistan

On the basis of an agreement between the Islamic State of Afghanistan and the Taliban group, over the past year and a half, delegations from both sides, through the assistance of the International Committee of the Red Cross (ICRC), have visited detainees, prisoners and captives held in detention centres.

The delegation of the Islamic State of Afghanistan, through the facilitation of ICRC, was able to visit the detainees held captive by the Taliban in the Sar-Pouza Prison and the Taliban intelligence headquarters in Kandahar between 15 and 20 January 1999. Subsequent to that, between 21 and 23 January 1999, the delegation of the Islamic State of Afghanistan paid a visit to the other detainees in the Pul-I-Charkhi Prison, the third Intelligence Directorate of the Interrogation Department and the Military Department of the Taliban in Kabul.

The observations of the delegation of the Islamic State of Afghanistan, described below, are directed to the attention of interested organizations, particularly the Office of the United Nations High Commissioner for Human Rights, the Commission on Human Rights, ICRC and other international humanitarian organizations, as well as the international community.

Detainees held by the Taliban

1. Among the detainees held by the Taliban in the detention centres, many are ordinary civilians held captive on the basis of their ethnic origin or religious sect and not captured in the conflict zones or the battle front lines.

2. In the detention centres of Kandahar, detainees' legs were shackled and chained. Although at the time of the visit, shackles and chains were temporarily removed from their legs, scars and marks could be easily observed. In addition, since a Taliban intelligence group accompanied the delegation of the Islamic State of Afghanistan during its visits, the detainees, for fear of later being subject to penalty and torture, abstained from commenting on how they were usually being treated. Furthermore, a request was put forward by the delegation to be accompanied by an ICRC supervisory team, which was immediately rejected by the Taliban.

3. Detainees held captive in the Taliban intelligence headquarters in Kandahar were kept in separate cells under difficult and extreme conditions.

4. During a 24-hour period, the detainees spoke of having been provided only two pieces of plain bread per person.

5. No medical facilities or services, including the provision of basic medicine, have been considered or provided for the detainees.

6. In the Sar-Pouza Prison in Kandahar, which has a maximum capacity of only 1,000 inmates, over 3,000 detainees are held captive; in some rooms there are over 60 inmates to a room.

7. During the past one and a half years, 181 detainees have lost their lives owing to malnutrition and lack of primary health facilities.

8. In the Kandahar-based detention centres, there are no files on the detainees, keeping track of when they entered the prison, not even for detainees who have been kept there for the past three years.

9. All the detainees in Kandahar, Mazar-e-Sharif, Sheberghaan, Maimana and Herat were denied the right of any kind of correspondence, including with their families.

10. In Kabul, the delegation of the Islamic State of Afghanistan visited 535 detainees in the Pul-I-Charkhi Prison, where the situation is less alarming than in Kandahar.

11. During the delegation's visits to Kabul and Kandahar, it was learned that prisoners captured in war zones and the battle front lines had been recently tortured, with wounds and scars easily observable.

Detainees held by the Islamic State of Afghanistan

Contrary to the degrading, inhumane and brutal treatment of detainees held by the Taliban, the Islamic State of Afghanistan, in the light of the fundamental criteria of humanitarian treatment and respect for human dignity, has approached Taliban captives with care. Therefore, during the past year and a half, as has been recorded by ICRC, only four Taliban deaths, three as a result of serious injuries and a fourth owing to severe tuberculosis, have been reported by the prison authorities of the Islamic State of Afghanistan. Detainees held by the Islamic State of Afghanistan are fed as other civil servants and medical facilities are always provided. In fact, detainees are kept without shackles or chains.

Conclusion

Despite numerous appeals by the Islamic State of Afghanistan to the Taliban authorities to improve the conditions of detainees held by them, no changes have taken place. We appeal to international humanitarian organizations and other international agencies to find the truth themselves and to urge the Taliban to respect the human dignity of detainees held captive by them so as to end the suffering of those individuals.

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1999/110
3 February 1999

ORIGINAL: ENGLISH

LETTER DATED 3 FEBRUARY 1999 FROM THE CHAIRMAN OF THE SECURITY COUNCIL COMMITTEE ESTABLISHED BY RESOLUTION 661 (1990) CONCERNING THE SITUATION BETWEEN IRAQ AND KUWAIT ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit herewith, for the attention of the members of the Council, the report of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait pursuant to paragraph 6 (f) of the guidelines to facilitate full international implementation of paragraphs 24, 25 and 27 of Security Council resolution 687 (1991).

The report was approved by the Committee on 3 February 1999.

(Signed) A. Peter VAN WALSUM
Chairman
Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait

99-02734 (E) 030299

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Annex

Report of the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait pursuant to paragraph 6 (f) of the guidelines to facilitate full international implementation of paragraphs 24, 25 and 27 of Security Council resolution 687 (1991)

1. The present report is submitted by the Security Council Committee established by resolution 661 (1990) concerning the situation between Iraq and Kuwait, in accordance with paragraph 6 (f) of the guidelines to facilitate full international implementation of paragraphs 24, 25 and 27 of Security Council resolution 687 (1991) of 3 April 1991 approved by the Council in its resolution 700 (1991) of 17 June 1991 (S/22660, annex).

2. Under paragraph 6 (f) of the guidelines, the Committee is required to report at 90-day intervals to the Security Council on the implementation of the arms and related sanctions against Iraq contained in the relevant resolutions of the Council. The present report is the thirty-first of such reports submitted under the above-mentioned guidelines.

3. In paragraph 12 of the guidelines, all States are requested to report to the Committee any information that may have come to their attention relating to possible violations of the arms and related sanctions against Iraq committed by other States or foreign nationals. During the period under review, no such information as requested has been brought to the attention of the Committee.

4. Under paragraphs 13 and 15 of the guidelines, all States and international organizations are required to consult the Committee on the question whether certain items fall within the provisions of paragraph 24 of resolution 687 (1991), as well as in cases relating to dual-use or multiple-use items, that is, items meant for civilian use but with potential for diversion or conversion to military use. During the period covered by the present report, the Committee has not been consulted by any States or international organizations on these questions.

5. In paragraph 14 of the guidelines, international organizations are requested to take appropriate steps to assist in ensuring full compliance with the arms and related sanctions against Iraq, including providing to the Committee any information of this kind that may come to their attention. During the period under review, no such information has been brought to the attention of the Committee.

6. The Committee will continue its efforts to fulfil the mandate entrusted to it by the Security Council. Since the last report of the Secretary-General, dated 4 December 1991 (S/22884/Add.2), no further communications have been received from Member States pursuant to paragraph 4 of Security Council resolution 700 (1991).

UNITED
NATIONS

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Security Council

Distr.
GENERAL

S/1999/111
4 February 1999

ORIGINAL: ENGLISH

LETTER DATED 3 FEBRUARY 1999 FROM THE CHAIRMAN OF THE SECURITY COUNCIL COMMITTEE ESTABLISHED PURSUANT TO SECURITY COUNCIL RESOLUTION 1132 (1997) CONCERNING SIERRA LEONE ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to refer to resolution 1171 (1998), adopted by the Security Council on 5 June 1998, concerning Sierra Leone. In paragraph 4 of the resolution, the Committee is required to report to the Council on notifications received from States on the export of arms and related matériel to Sierra Leone, as well as on notifications of imports of arms and related matériel made by the Government of Sierra Leone.

Accordingly, I wish to inform you that the Committee established pursuant to resolution 1132 (1997) concerning Sierra Leone received a notification on 11 January 1999 from the Government of the United Kingdom of Great Britain and Northern Ireland, for the export of the following logistical equipment for the sole use in Sierra Leone of the Economic Community of West African States Monitoring Group (ECOMOG) and/or the Government of Sierra Leone, through the entry point of Lungi International Airport: 5 Toyota Landcruisers, 7 satellite telephones, 7 DAF personnel carrier trucks, 60 VHS handsets (Motorola GP300) and radio communications equipment.

(Signed) Fernando Enrique PETRELLA
Chairman
Security Council Committee established pursuant
to Security Council resolution 1132 (1997)
concerning Sierra Leone

99-02786 (E) 040299

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1999/112
4 February 1999
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 3 FEBRUARY 1999 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 2 February 1999 from Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq, calling attention to an example of the category "E" claims submitted to the United Nations Compensation Commission that illustrates the illegal and arbitrary measures taken by the Commission in processing unjust claims for compensation.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Saeed H. HASAN
Ambassador
Permanent Representative

Annex

Letter dated 2 February 1999 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General

The Government of the Republic of Iraq has received from the secretariat of the United Nations Compensation Commission procedural order No. 8, dated 15 September 1998, which was issued by the Panel of Commissioners to review category "E" claims and relates to a claim filed by a company called Fahd al-Sultan's Sons and Partners for 3,061,304 Kuwaiti dinars. The Panel of Commissioners reviewing this claim established a period of 365 days with effect from 20 February 1998 for Iraq to respond to the claim. The Government of Iraq was not provided with any information on the claim other than that contained in the aforesaid procedural order.

Paragraph 4 of the procedural order states that the Panel of Commissioners received Iraq's response to its report on 14 August 1997. However, the document issued by Iraq on that date was a response to the nineteenth report of the Executive Secretary of the Governing Council of the United Nations Compensation Commission. Perusal thereof shows that it refers to category "E" claims that do not include any by the company in question. It makes reference to 22 such claims, 20 of which were filed by Kuwaiti companies and two by non-Kuwaiti construction and manufacturing firms. The report raises the same factual and legal issues as had been set forth in the Executive Secretary's eighteenth report. The issue of debts arising prior to 2 August 1990 is also raised, as is the question of whether they are to be regarded as debts of Iraq under the terms of paragraph 16 of Security Council resolution 687 (1991).

The foregoing clearly demonstrates the devious and perverse methods to which the secretariat of the Compensation Commission resorts when it considers that the Government of Iraq has received the Kuwaiti claim and that a response to it has been given, when in fact the Government of Iraq knows nothing whatever of the claim and has received no documentation relating to it other than the procedural order mentioning the name of the claimant and the sum claimed. As for Iraq's response to the nineteenth report, there was no specific and identifiable claim there to which a response could be made. There were, however, certain general issues that had been raised in the report and the Government of Iraq expressed a legal opinion in their regard, given that they were issues of a legal character relating to the interpretation of the relevant Security Council resolutions. Perusal of Iraq's response to the Executive Secretary's nineteenth report shows that it provides an elucidation of paragraph 16 of Security Council resolution 687 (1991) and of the provisions of the report of the Secretary-General of the United Nations of 2 May 1991 (S/22559). It places on record certain basic observations with regard to the aforesaid nineteenth report which are contained in two paragraphs. The first paragraph reiterates the Government of Iraq's previous urgent appeals to the effect that it was essential for Iraq to be informed of the details of the claims submitted to the Compensation Commission that were referred to in that same nineteenth report. We state that the Commission had not provided the Government of Iraq with all the documentation relating to the claims, thereby making it impossible for Iraq to form a precise, detailed and informed judgement of them. We affirm

the need for Iraq to be provided with all the documentation in the possession of the Compensation Commission concerning these complex claims. We also state in paragraph 1 of Iraq's response that the persistence of the Compensation Commission in its policy of excluding the Government of Iraq from full participation in the Commission's work would mean that the Commission would not be acquainted with the documentation and information available to the Iraqi side and that it would thus adopt its decisions on the basis of the claimant's viewpoint alone and without reference to the perspective of the Government of Iraq and the important information it could provide as the key party concerned.

In our letter conveying Iraq's response to the Executive Secretary's nineteenth report, we set forth the view of the Government of Iraq concerning direct damage by relying on the causal link between the offence and the damage caused. If Iraq's response to the report was as stated above, then how, in its procedural order No. 8 of 15 September 1998 relating to the claim for compensation submitted by Fahd al-Sultan's Sons and Partners, can the Panel of Commissioners consider that the Government of Iraq has responded to this claim?

In the light of the foregoing, the Government of Iraq urges compliance with the norms of international law and the principles of justice when such claims are being considered and the avoidance of illegal, arbitrary and perverse measures such as those taken by the United Nations Compensation Commission.

We hope that you will accord this grave matter the attention that it requires from the point of view of justice and fairness and in conformity with the norms of international law.

(Signed) Mohammed Said AL-SAHAF
Minister for Foreign Affairs
of the Republic of Iraq

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1999/113
4 February 1999
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 3 FEBRUARY 1999 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit to you herewith the text of a letter dated 2 February 1999 from Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of Iraq, which contains a sample of the category "F" claims submitted to the United Nations Compensation Commission, illustrating the illegal and arbitrary nature of the methodology used by the Commission in processing these unjustified claims.

I should be grateful if you would have the text of this letter and its annex circulated as a document of the Security Council.

(Signed) Saeed H. HASAN
Ambassador
Permanent Representative

99-02896 (E) 050299 050299

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Annex

[Original: Arabic and English]

Letter dated 2 February 1999 from the Minister for Foreign Affairs of Iraq addressed to the Secretary-General

The secretariat of the United Nations Compensation Commission has transmitted to the Government of Iraq payment orders relating to category "F" claims submitted by the Jordanian Government on behalf of the ministries and government agencies listed below:

1. Ministry of Social Development;
2. Ministry of Supply;
3. Public Security Directorate;
4. Armed Forces;
5. Ministry of Tourism and Antiquities;
6. Civil Aviation Authority;
7. Civil Defence General Directorate;
8. Ministry of Energy and Mineral Resources (Jordan Electric Authority)
9. Ministry of Education;
10. Ministry of Energy and Mineral Resources;
11. Ministry of Finance;
12. Ministry of Health;
13. Ministry of Higher Education;
14. Ministry of the Interior;
15. Ministry of Labour;
16. Ministry of Planning;
17. Ministry of Public Works and Housing;
18. Greater Amman Municipality;
19. Jordan Water Authority;
20. Ministry of Energy and Mineral Resources.

We have noted that the Panel of Commissioners, in consultation with the Compensation Commission secretariat, considered these claims to be part of the large, complex claims for which it had requested reimbursement within 12 months of 23 September 1998. Since a copy of the payment orders was sent to the Government of Iraq without any additional information regarding the nature of the claims, the magnitude of the damage done, the date on which the damage was caused, the amount of compensation claimed and other relevant details, the Government of Iraq will continue to express reservations in respect of decisions taken concerning compensation of the aforementioned ministries so long as no details are provided regarding the ministries' claims and the Government of Iraq is not allowed to express its opinion or make its views on the matter clearly known to the Commissioners and the Governing Council of the Commission in order to defend its rights and uphold the financial interests of the Iraqi people.

The Iraqi Government, while drawing your attention to this matter, wishes to highlight the arbitrary and illegal methods used by the Commission in processing the claims submitted to it. Indeed, proceeding in this manner denies the Government of Iraq access to the most basic information that would have enabled it to comment on the claims, express its opinion or present its views thereon. Accordingly, the Government of Iraq urges you to intervene, in keeping with your legal responsibilities, to ensure that the Compensation Commission adopts procedures that are consistent with the legal rules embodied in international law and jurisprudence and stops squandering the wealth of the Iraqi people.

(Signed) Mohammed Said AL-SAHAF

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Security Council

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S/1999/114
4 February 1999

ORIGINAL: ENGLISH

REPORT BY THE SECRETARY-GENERAL CONCERNING THE CREDENTIALS OF THE ALTERNATE REPRESENTATIVE OF BRAZIL ON THE SECURITY COUNCIL

Pursuant to rule 15 of the provisional rules of procedure of the Security Council, the Secretary-General wishes to report that he has received a letter dated 3 February 1999 from the Acting Permanent Representative of Brazil to the United Nations stating that Enio Cordeiro has been appointed alternate representative of Brazil on the Security Council.

In the opinion of the Secretary-General, that communication constitutes adequate provisional credentials.

99-02902 (E) 040299

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1999/115
4 February 1999

ORIGINAL: ENGLISH

LETTER DATED 4 FEBRUARY 1999 FROM THE PERMANENT REPRESENTATIVE OF ETHIOPIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you a press release issued today, 4 February 1999, by the Office of the Ethiopian Government Spokesperson regarding renewed Eritrean shelling at Ethiopian positions on the Badme-Sheraro front. This latest Eritrean action clearly shows that the Eritrean authorities are not prepared to accept, as strongly urged by the Security Council, the OAU Framework Agreement, and to end the crisis between them and Ethiopia by peaceful means.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Duri MOHAMMED
Ambassador
Permanent Representative

Annex

Press release issued on 4 February 1999 by the Office of the Ethiopian Government Spokesperson regarding renewed Eritrean shelling on the Badme-Sheraro front

Beginning at 6 this morning, Eritrean forces began continuous shelling from their posts at Geamahlo on the Badme/Sheraro front. On Tuesday, 2 February at 4 p.m., they carried out heavy shelling for 45 minutes at the Zalambessa front. The Eritrean regime has embarked on this new round of shelling within days of President Isayas' 31 January statement in which he insisted that "Eritrea will never fire the first bullet". Such statements, which completely contradict the actions of the Eritrean regime, are clearly meant to serve only as a smokescreen for Eritrea's latest act of aggression. Eritrea has renewed hostilities just as the international community is starting to apply increased pressure on the government in Asmara to accept the Organization of African Unity (OAU) Framework Agreement for peace. This week's shelling also comes as the United Nations Special Envoy in Africa, Mr. Mohammed Sahnoun, is in the region to persuade Eritrea to accept the OAU peace proposal.

Eritrea's renewed shelling is only the latest in a pattern of aggressive behaviour meant to derail the peace process. Just prior to the OAU high-level delegation meeting in Ouagadougou in December 1998, Eritrea initiated shelling around Sheraro and Adigrat, followed later by attacks in Central Tigrai and Adi Gushu. Simultaneously, Asmara has been engaged in a propaganda campaign alleging that Ethiopia was launching an attack. In their continued attempt to provoke war with Ethiopia, Eritrean forces shelled the Biara locality of Badme/Sheraro on 23 January 1999, while the Eritrean authorities continue to prevaricate and pretend that they are willing to resolve the conflict through peaceful means. Ethiopia urges the international community to see Eritrea's actions for what they are, and apply more tangible pressure on the government in Asmara so that there may be a peaceful resolution to the conflict.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1999/116
4 February 1999

ORIGINAL: ENGLISH

LETTER DATED 22 DECEMBER 1998 FROM THE SECRETARY-GENERAL ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to forward herewith a copy of a letter dated 8 December 1998 addressed to me by President Ange-Félix Patassé concerning the United Nations Mission in the Central African Republic (MINURCA).

You may wish to bring this letter to the attention of the members of the Security Council.

(Signed) Kofi A. ANNAN

99-02926 (E) 040299 040299

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Annex

[Original: French]

Letter dated 8 December 1998 from the President of the Central African Republic addressed to the Secretary-General

I should like to remind you that during my statement at the Conference of Heads of State of Africa and of France in Paris, I expressed the hope that the United Nations Mission in the Central African Republic (MINURCA) would be maintained in my country until the presidential elections which are to be held in 1999. This was in accordance with the original request put forward in my letter of 8 January 1998, in which I had sought the establishment of a United Nations mission in order to monitor the legislative elections as well as the presidential elections.

I am happy to inform you that the support authorized by the Security Council giving MINURCA the necessary mandate to provide us with assistance within the framework of the legislative elections has been an exceptional success. In actual fact, without such support, it would have been very difficult for us to hold credible and transparent elections peacefully.

I should also like to point out that the technical assistance provided by MINURCA has, to a large extent, enhanced the capacity and competence of our own citizens and, therefore, has helped prepare them to carry out in the future the tasks entrusted to them in the electoral field.

The role of MINURCA in promoting good governance and national reconciliation is incalculable, not only in the search for a compromise among the various political sensibilities, but also with regard to its support for the Monitoring and Arbitration Committee established by the National Reconciliation Conference.

The presence of MINURCA in our country has also been most valuable in many other areas. I should like in this connection to refer if only to the Mission's initial mandate, relating to its assistance for the forces of law and order for maintaining security in Bangui and its immediate vicinity.

The military component of MINURCA carried out its mandate with much competence and effectiveness. In addition, the Mission's Civilian Police Unit undertook to retrain our National Police and the Gendarmerie.

In order to be able to support these activities, we have, in collaboration with MINURCA, begun the essential process of restructuring our armed forces. A joint MINURCA/Government Commission, established in September 1998, has made enormous progress, drawing up the basic legal texts that should form the basis for our defence policy as well as the organization of the armed forces. The Commission has also proposed a seven-point programme for restructuring, which would include training, building of infrastructures, provision of equipment and the development of the indispensable esprit de corps with the certainty of reassembling the military units.

Some progress has also been made in the socio-economic field. In this regard, we have been able to sign an agreement with the International Monetary Fund and the World Bank.

I have resolutely continued the implementation of the provisions of the Bangui Agreements and the National Reconciliation Pact in accordance with the promise that I made to you. Of course, there are still areas where I must continue to act. I should like to reassure you that, given the environment of peace and stability, I am determined to proceed forward.

From this perspective, the continued presence of MINURCA is becoming imperative. I am the first to admit that the peace which we are currently enjoying, thanks to the presence of MINURCA, is still fragile and may be undermined until we have laid a solid foundation for the maintenance of peace through our own institutions.

Allow me therefore to appeal to you to take the necessary measures in order to ensure that the Security Council extends the mandate of MINURCA until more tangible results have been achieved in restructuring our security forces and until our progressive march towards democratization has been strengthened by the successful organization of the forthcoming presidential elections in 1999.

(Signed) Ange-Félix PATASSÉ

UNITED NATIONS **S**

Security Council

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GENERAL

S/1999/117
5 February 1999

ORIGINAL: ENGLISH

LETTER DATED 5 FEBRUARY 1999 FROM THE PERMANENT REPRESENTATIVE OF ERITREA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

I have the honour to transmit to you a press statement issued by the Ministry of Foreign Affairs of Eritrea on 5 February 1999 regarding Ethiopia's fabrication of an air attack (see annex I). I also transmit the text of an article posted from the Nairobi bureau of Reuters (see annex II).

I should be grateful if you would kindly circulate the text of the present letter and its annexes as a document of the Security Council.

(Signed) Haile MENKERIOS
Ambassador
Permanent Representative

Annex I

Press statement issued on 5 February 1999 by the Ministry of Foreign Affairs of Eritrea

Ethiopia's fabrication of an air attack

The Ethiopian Government has today accused Eritrea of launching an air attack on Adigrat at 10.45 a.m. This is a complete fabrication.

But the design is clear. Because Ethiopia is planning to launch a full-scale war against Eritrea, it has been fabricating stories this week of Eritrea's "provocations and attacks". Thus, while it was Ethiopia that opened a new front in Tsorona (central Eritrea) by deploying about 55,000 troops, including the "elite" twentieth division, Ethiopia claimed earlier this week that "Eritrea had deployed troops in the Tsorona front to attack industrial cites in northern Tigray and the Obelisk in Aksum".

The fabricated story of an air strike against Adigrat falls into this pattern. Obviously, Ethiopia wants to break the moratorium on air strikes brokered by the United States of America on 14 June 1998. However, as the party that wants to break the moratorium has to inform the Government of the United States, Ethiopia prefers to fabricate a story than to inform the United States of its real intentions.

Eritrea remains on record as calling for an immediate cessation of all hostilities.

Annex II

Reuters article dated 5 February 1999

Ethiopia claims Eritrea bombs border town

By Tsegaye Tadesse

Addis Ababa, Feb 5 (Reuters) - Ethiopia said Eritrean fighter planes bombed a fuel depot in a northern town close to their disputed border on Friday but Eritrea flatly denied the allegation.

Ethiopian government spokeswoman Selome Taddesse said two Eritrean planes launched the attack at 10.45 a.m. (0745 GMT) on a fuel depot and the surrounding area in the small mountain town of Adigrat, about 30 km (20 miles) from the border with Eritrea.

Eritrean officials denied the reports and said Ethiopia was looking for an excuse to start its own cross-border attacks.

A hotel guest in the town said he had not heard any sound of explosion. "There is peace in Adigrat." he said by telephone.

Residents near the main airport in Asmara said they had not seen or heard any Eritrean military planes take off from the airport on Friday morning.

UNITED NATIONS **S**

Security Council

Distr.
GENERAL

S/1999/118
5 February 1999

ORIGINAL: ENGLISH

LETTER DATED 5 FEBRUARY 1999 FROM THE CHARGÉ D'AFFAIRES A.I. OF THE PERMANENT MISSION OF YUGOSLAVIA TO THE UNITED NATIONS ADDRESSED TO THE SECRETARY-GENERAL

I have the honour to forward, enclosed herewith, the Conclusions of the National Assembly of the Republic of Serbia relative to the recent developments in connection with Kosovo and Metohija, the autonomous province of the Yugoslav constituent Republic of Serbia (see annex).

I would be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(Signed) Vladislav JOVANOVIC
Chargé d'affaires a.i.

99-03068 (E) 050299

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Annex

The National Assembly of the Republic of Serbia, at its meeting held on 4 February 1999, discussed the current issues of resolving the problems in Kosovo and Metohija, NATO threats of aggression against our country, the Conclusions of the Contact Group of 29 January this year and the invitation of the Contact Group for participation in talks in France on 6 February 1999, and has adopted the following

CONCLUSIONS

1. The National Assembly condemns in strongest terms the threats of NATO against our country and people. The threats are totally contrary to the proclaimed positions of the international community that it is committed to a peaceful solution of the problems in Kosovo and Metohija and represent an open support to separatists and terrorists.

2. The conduct of NATO represents an open threat of aggression against sovereignty and territorial integrity of the FR of Yugoslavia, as an independent State, one of the founders and a UN Member State, which is a violation of the principles of the Charter of the United Nations, particularly Article 2, para 4 of the UN Charter.

3. NATO is a regional military organization and in Article 53, para 1 of the UN Charter it is expressly stated that no regional arrangements or regional agencies can utilize any enforcement action without the authorization of the Security Council. The UN Security Council has not authorized NATO to undertake enforcement measures against the FR of Yugoslavia and the NATO threat therefore represents a direct violation of the Charter of the United Nations and a threat to the sovereignty and territorial integrity of our country.

4. The National Assembly assesses that with such conduct NATO acts in violation of the basic principles of the international relations, the very foundations of the international order and represents a threat to the international peace and security.

5. The FR of Yugoslavia pursues an open policy of peace, good-neighbourliness and equitable cooperation with all countries and organizations accepting such cooperation, it does not pose a threat to anyone nor is there a threat from its territory to anyone. Consistently adhering to the policy of resolving all open questions in a peaceful manner, the FR of Yugoslavia represents a factor of peace and stability in the region. We shall resolutely defend our legitimate State and national interests, above all, the sovereignty and territorial integrity of the country, in accordance with the principles of the Charter of the United Nations, Helsinki Final Act and the Paris Charter.

6. The National Assembly of the Republic of Serbia emphasizes that in the case of aggression against our country, we shall defend the sovereignty and territorial integrity, freedom, independence, lives and property of our citizens - by all available means. We are resolute and united in defending our homeland.

II

1. The Republic of Serbia remains committed to a peaceful political resolution of the problems in Kosovo and Metohija. We are determined to seek ways to resolve the problems through dialogue, while respecting territorial integrity and sovereignty of our country, by ensuring full equality of all citizens and all

national communities living in Kosmet.

2. By issuing invitations to negotiations, the Contact Group is knocking at an open door. Serbia and the FR of Yugoslavia have proven that they are committed to the political solution and that they do all they can in order that it be reached in dialogue among all national communities from Kosovo and Metohija.

3. While emphasizing its commitment to peaceful and political solution of the current problems in Kosovo and Metohija, the National Assembly points to major, inadmissible and highly one-sided positions in the conclusions of the Contact Group, inappropriate in relation to a sovereign country.

4. While verbally supporting the sovereignty and territorial integrity of Serbia and the FR of Yugoslavia, at the same time proposals are put forward which threaten and question our sovereignty and integrity, proposing even confederal elements such as an obligatory consent of Kosmet for changes to Kosmet borders and declaration of martial law.

5. At the same time from the countries formally supporting the sovereignty and territorial integrity of Serbia and the FR of Yugoslavia come threats and millions of dollars in financial assistance, arms and equipment to terrorists.

6. Particularly deserving of condemnation is that a part of the international community, on the matter of an internal issue - the right of a State to defend itself from separatism and terrorism - should support the separatists and terrorists and equate a sovereign State with those who seek to destroy that State.

7. It is particularly unacceptable to equate the responsibility of the State organs with that of criminal groups, for the situation in Kosmet. The legal actions of the State authorities against terrorism cannot be termed repression against civilians, while terrorism in all forms - attacks, killing, kidnapping is termed - as provocations.

8. The international community has failed to grasp what the actions of the so called KLA, as a terrorist organization, are essentially about and does not take measures against it, as is the case when other terrorist organizations in the world are in question.

9. It is unacceptable to downplay the past efforts in seeking a solution by political means and endeavours to recall the agreement between the President of the FRY with the international community, expressed in the positions of the Government of 13 October 1998 and the Agreement with the OSCE of 18 October 1998 and the principles contained therein - that this is an internal issue of a sovereign State; that terrorism and separatism must end; that any solution has to be in line with the Constitution of the FRY and of the Republic of Serbia and that it cannot question the sovereignty and territorial integrity of our country.

10. The National Assembly emphasizes the democratic nature of the Joint proposal of the Agreement on the political framework of self-governance in Kosovo and Metohija of 20 November 1998, accepted by all Parliamentary parties in Serbia, as well as the Declaration from Pristina of 25 November 1998, signed by two political parties of Albanians, the representatives of the national communities of Muslims, Turks, Roma, Goranci and Egyptians as well as the representatives of Parliamentary parties from Kosovo and Metohija. It is inadmissible to ignore and discredit the existence of national communities and ethnic groups as well as to recognize the necessity for all national communities living in Kosovo and Metohija to be treated equally.

11. Concerning the demand that "the parties accept the level and nature of international presence deemed appropriate by the international community", the National Assembly wishes to note: the level and nature of the international presence in Kosmet has been ultimately defined in the Agreement between the President of the FRY Slobodan Milosevic and Ambassador Richard Holbrooke and in the Agreement between the Federal Government and the OSCE on the establishment of the OSCE Verification Mission in Kosmet in accordance with it.

12. The National Assembly is extremely surprised at the request that "the federal and republican legal frameworks be harmonized with Kosmet interim agreement" since this defies the logic and principles of the constitutional law and would represent a legal and constitutional precedent whereby a broader community would have to adjust to a part of a smaller community.

13. To reduce the rights of other national communities in solutions for Kosmet to some sort of cultural rights is a discrimination and opens up the possibility that concrete solutions be used by the Albanian national community to overrule others, thus directly violating the principles of equality and introducing the existence of first and second class citizens.

14. The National Assembly points out that any demand for a "substantial" or "high degree" self-governance for Kosmet - not only in further negotiations cannot lead to independent Kosovo and Metohija, or a status of a third federal unit, but that this autonomy cannot imply the severance of legal, political and economic ties within the Republic of Serbia.

15. The National Assembly indicates that the so called interim status of Kosmet cannot be either a hidden or an explicit road towards separatism but a possibility for the signatories to examine the Agreement, after a number of years with a view to promoting its implementation and reviewing the proposals of any signatory for additional measures whose adoption will require the consent of all signatories.

III

1. The National Assembly of the Republic of Serbia emphasizes that the State organs of the Republic of Serbia and the FR of Yugoslavia have done and are doing all they can to reach a political solution. We fully respect the signed agreements. The OSCE Verification Mission in Kosmet has been established to monitor and impartially inform the international community of the situation on the ground. Serbia has nothing to hide in defending its citizens and its territory from separatists and terrorists - verifiers and the international community have been granted full and unimpeded access to all parts of Kosovo and Metohija and enabled to monitor the entire situation.

2. The FR of Yugoslavia, as an independent and sovereign State, pursues a policy of peace and peaceful cooperation, it does not threaten anyone or pose a threat to anyone from its territory. In accordance with the above principles, the FR of Yugoslavia stands ready to resolve all open questions by peaceful and political means and to resolutely defend its legitimate State and national interests, in particular its sovereignty and territorial integrity in accordance with the Charter of the United Nations.

IV

1. The National Assembly again emphasizes that the cause of the crisis in Kosovo and Metohija is long-standing Albanian separatism, with the ultimate goal of seceding Kosovo and Metohija from Serbia and Yugoslavia. Terrorism has become the ultimate stage of Albanian separatism.

2. This is the major obstacle to the achievement of a political solution. All efforts, offers and good will of the State for them to engage in political dialogue and look for solutions together with others, have been met by the refusal and obstruction of Albanian separatist parties and their leaders. Such position on their part fuelled and encouraged the continuation of the crimes of terrorist gangs. They abused the fact that our State respected the Agreement as well as the presence of the OSCE Verification mission and continued with their crimes.

3. The Republic of Albania has been openly and directly a function of Albanian separatism and terrorism. Albania has turned into a terrorist State - a base for terrorists and fundamentalists, a centre for training, arming, financing and all other support to their criminal goals towards the FR of Yugoslavia and other countries in the region.

4. A part of the international community has not by a single act unreservedly condemned separatism and terrorism. They have done nothing to prevent the Republic of Albania from being a logistics base of terrorists and separatists in Kosovo and Metohija. The Organization for Security and Cooperation in Europe has not managed even in three months to complete a 2,000-member mission in Kosmet and has not been fully equipped to impartially and accurately inform the international community and international organizations of the true situation on the ground. The fact of the matter is that since the signing of the Agreement and the arrival of verifiers, the terrorism escalated.

5. A part of the international community has all along pursued a policy of double standards preventing any, even the mildest attempt of condemning terrorist gangs by the UN Security Council. Such conduct on the part of the international community actually represents support, assistance and encouragement to separatists and terrorists.

6. By fabricated and inaccurate assessments that the military and police use excessive force, they try to prevent the legitimate forces from defending the people and the State in responding to terrorist acts in an appropriate manner, as the military and police in all countries in the world do in combating this scourge. This is an attempt to reverse the position harmonized with the international community explicitly stating that "state authorities retain the right to respond appropriately to any form of terrorist activities and violation of the law which may endanger the lives and security of citizens and law enforcement authorities".

V

1. Kosovo and Metohija is an internal issue of Serbia which can be resolved only through dialogue of those subjects whose position it affects. Kosovo and Metohija cannot be removed from Serbia. It has been there for centuries and it is the only place it can be in. Kosovo and Metohija is not a testing ground for military and political doctrines in the wake of fabricated charges of the alleged violation of minority and ethnic rights. Kosmet is not under protectorate nor is it a reserve for some new geo-political configurations - Serbia is not giving any grounds for new ultimatums, even if they are made today in the name of human rights and democracy and other lofty goals which serve nothing but to mask hegemonism.

2. The National Assembly of Serbia once again reaffirms the principles on the basis of which the crisis in Kosovo and Metohija can be resolved successfully, durably and in the interest of all. These are:

- political means and dialogue as the only way to achieve a peaceful and democratic solution of the crisis in Kosovo and Metohija;
- full respect of territorial integrity and sovereignty of Serbia and the FR of Yugoslavia;
- full equality of all citizens, all national communities and ethnic groups in Kosovo and Metohija, without possibility of anyone being overruled;
- solutions harmonized with the Constitutions of Serbia and the FR of Yugoslavia and the international standards in the field of human, civil and the rights of persons belonging to national communities;
- Kosovo and Metohija cannot be granted the status of a republic, but self-governance in line with the highest international standards within Serbia and the FR of Yugoslavia;
- we do not accept any measure which would change territorial integrity and sovereignty or attempt to secede Kosmet from Serbia;
- we do not accept the presence of foreign soldiers in our territory under any pretext of implementing the achieved agreement;

VI

Concerning the invitation of the Contact Group for talks on the problems in Kosovo and Metohija, in France on 6 February 1999, addressed to the Government of the Republic of Serbia:

1. The National Assembly of the Republic of Serbia has decided to accept the invitation for talks because it is a firm commitment of the people and all political parties to fight for peace and because we need to defend Kosovo and Metohija in any place in the world wherever Kosmet may be discussed. By accepting these talks we make another step forward to contribute to resolving the problems in a peaceful manner.

2. The National Assembly hereby authorizes the Government to designate the delegation which will take part in these talks.

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Security Council

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GENERAL

S/1999/119
5 February 1999

ORIGINAL: ENGLISH

LETTER DATED 5 FEBRUARY 1999 FROM THE PERMANENT REPRESENTATIVE OF ETHIOPIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

Further to my letter dated 4 February 1999 (S/1999/115), I have the honour to transmit to you a press release issued on 5 February 1999 by the Office of the Ethiopian Government Spokesperson regarding Eritrean aerial bombing of the Ethiopian town of Adigrat, in the regional state of Tigray (see annex). This latest military action by the Eritrean authorities confirms the fact that they are bent on further escalating the crisis between them and Ethiopia.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Duri MOHAMMED
Ambassador
Permanent Representative

99-03074 (E) 080299

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Annex

Press release issued on 5 February 1999 by the Office of the Spokesperson of the Government of Ethiopia

Eritrea bombs Adigrat

This morning at 1045, two Eritrean fighter planes bombed the town of Adigrat. The intended target was a fuel depot and its surroundings. Today's attack by Eritrea is a flagrant violation of the moratorium on air strikes brokered by the United States of America and agreed to by Ethiopia and Eritrea in June 1998. According to a statement issued by the White House Press Secretary on 14 June 1998, the "moratorium will continue indefinitely or until such time as either party concludes that any prospect for a peace process has come to an end and provides formal, advance notice to the United States Government that it will no longer respect this moratorium". Eritrea's bombing of Adigrat, the latest in a pattern of provocative actions, once again shows that the Government in Asmara has no intention of pursuing a peaceful resolution to the conflict. This is particularly evident as Eritrea's attack comes at a time when the United Nations Special Envoy in Africa, Mr. Mohammed Sahnoun, is in the region in support of the peace proposal of the Organization of African Unity (OAU), and when Eritrea's clear and unequivocal acceptance of the OAU Framework Agreement was awaited by the international community.

UNITED
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Security Council

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S/1999/120
5 February 1999

ORIGINAL: ENGLISH

LETTER DATED 5 FEBRUARY 1999 FROM THE PERMANENT REPRESENTATIVES OF BOSNIA AND HERZEGOVINA, CROATIA, SLOVENIA AND THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

We have taken note of the letter by the Federal Minister for Foreign Affairs of the Federal Republic of Yugoslavia (Serbia and Montenegro), Mr. Živadin Jovanović, dated 1 February 1999 addressed to you (S/1999/107) and, without commenting on the substance of the other elements of the letter, we should like to refer to its second paragraph, where the Federal Minister states that the Federal Republic of Yugoslavia (Serbia and Montenegro) is a "State Member of the United Nations". That reference is not correct.

Security Council resolution 777 (1992) and General Assembly resolution 47/1 of 22 September 1992 stipulate that "the state formerly known as the Socialist Federal Republic of Yugoslavia has ceased to exist", that "the Federal Republic of Yugoslavia (Serbia and Montenegro) cannot continue automatically the membership of the former Socialist Federal Republic of Yugoslavia in the United Nations" and "that the Federal Republic of Yugoslavia (Serbia and Montenegro) should apply for membership in the United Nations".

Furthermore, we should like to reiterate once again the common position of our Governments regarding the status of the Federal Republic of Yugoslavia (Serbia and Montenegro) in the United Nations.

All five States that have emerged following the dissolution of the former Socialist Federal Republic of Yugoslavia are equal successor States and four of them have applied and have been admitted into the membership of the United Nations. Until the Federal Republic of Yugoslavia (Serbia and Montenegro) submits an application for membership in the United Nations, as envisaged by the above-mentioned resolutions, and until it is admitted into the membership in accordance with the relevant provisions of the Charter of the United Nations, it cannot be considered a Member State of the United Nations.

We should be grateful if you would have the present letter circulated as a document of the Security Council.

(Signed) Muhamed SACIRBEY
Ambassador
Permanent Representative of
Bosnia and Herzegovina

(Signed) Naste ČALOVSKI
Ambassador
Permanent Representative of the
Republic of Macedonia

(Signed) Ivan ŠIMONOVIĆ
Ambassador
Permanent Representative of
Croatia

(Signed) Danilo TÜRK
Ambassador
Permanent Representative of
Slovenia